



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**Report of Executor, Petition for Final Distribution on Waiver of Accounting and (2)
For Allowance of Compensation for Statutory Services**

DOD: 10-27-11		<p>MICHAEL JOHN PEREZ, Executor with Full IAEA without bond, is Petitioner.</p> <p>Accounting is waived.</p> <p>I&A: \$2,172,341.00 POH: \$2,212,298.99 (\$288,723.22 is cash)</p> <p>Executor (Statutory): Waived</p> <p>Attorney (Statutory): \$34,723.41</p> <p>Costs: \$3,259.05 (filing fees, certified copy, publication, appraisal)</p> <p>Petitioner states the decedent's will devises the estate to a testamentary trust, which divides into a marital trust and a family trust based on the minimum dollar amount necessary to eliminate or reduce estate tax. However, this is not an estate large enough to pay an estate tax; therefore, the marital trust is not funded. The decedent's husband is now deceased (DOD 3-24-13 – see related case 13CEPR00333 at Page 3). Petitioner requests that since he is now deceased, that distribution to the decedent's two children occur free of trust pursuant to Article IV, Subparagraph 4d of the will. Although the will instructs that the residue be distributed in trust, the intent of the testator that her children receive the residue free of trust is the overriding principle. Authority provided.</p> <p>Distribution pursuant to decedent's will and the above request:</p> <p>Michael John Perez, as Executor of the Estate of Mike Perez: Decedent's community property interest in the various personal property (furniture, furnishings, and personal effects) valued at \$7,500.00.</p> <p>Michael John Perez: \$10,000.00 as equalization payment</p> <p>Michael John Perez and Marvin Jean Perez, equally, the residue of the estate</p>	NEEDS/PROBLEMS/COMMENTS:	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			3-8-12
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
<input checked="" type="checkbox"/>	FTB Notice			

Reviewed by: skc

Reviewed on: 5-19-14

Updates:

Recommendation:

File 1 - Perez

(1) Report of Executor, Petition for Final Distribution on Waiver of Accounting and
(2) For Allowance of Compensation for Statutory Services

DOD: 3-24-13		MICHAEL JOHN PEREZ , Executor with Full IAEA without bond, is Petitioner. Accounting is waived. I&A: \$1,800,700.17 POH: \$1,821,495.24 Executor (Statutory): Waived Attorney (Statutory): \$31,007.00 Costs: \$3,138.50 (lodging fee, filing fees, courtcall, publication, appraisal, deed searches) Petitioner states the decedent's will devises the estate to a testamentary trust, which divides into trust shares to be then distributed outright to the beneficiaries if over age 21. Petitioner requests that distribution to the decedent's two children occur free of trust pursuant to Article IV, Subparagraph 4d of the will. Although the will instructs that the residue be distributed in trust, the intent of the testator that her children receive the residue free of trust is the overriding principle. Authority provided. Distribution pursuant to decedent's will and the above request: Michael John Perez: \$10,000.00 as equalization payment Michael John Perez and Marvin Jean Perez, equally, the residue of the estate	NEEDS/PROBLEMS/COMMENTS:
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 6-4-13		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Reviewed by: skc
Reviewed on: 5-19-14
Updates:
Recommendation:
File 3 - Perez

Atty LeVan, Nancy J., sole practitioner (for Petitioner Gary Morris, Jr., Beneficiary)

Status Hearing Re: Filing of the Proof of Bond for Senior Trust

DOD: 10/19/2013	GARY MORRIS, JR. , son and Beneficiary, filed a <i>Petition for Appointment of Successor Trustee</i> on 12/19/2013.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 050814	<i>Order Approving Petition for Appointment of Successor Trustee of the Gary F. Morris, Sr., 2013 Trust</i> filed 4/1/2014 appoints WALTER ALBERT MORRIS as Successor Trustee of the Trust, and finds bond shall be filed by the Successor Trustee in an amount to be determined following filing of inventory and appraisal. Status Hearing Re filing proof of bond is set for 5/8/2014.	OFF CALENDAR
Aff.Sub.Wit.		Proof of Bond filed 5/9/2014.
Verified		
Inventory		
Bond	X	1. Need proof of bond in the sum of \$286,000.00 to be filed with the Court.
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	<i>Order Setting Bond Amount</i> was filed 4/25/2014, finding the bond amount for WALTER ALBERT MORRIS , Successor Trustee of the Trust, is set at \$286,000.00 .	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 5/19/14
		Updates:
		Recommendation:
		File 6A - Morris

6A

Atty LeVan, Nancy J., sole practitioner (for Petitioner Gary Morris, Jr., Beneficiary)

Ex Parte Petition for Order Confirming Real Property as a Trust Asset

DOD: 10/19/2013		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;">OFF CALENDAR</p> <p>Order Confirming Real Property as a Trust Asset was filed 5/12/2014.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 5/19/14
		Updates:
		Recommendation:
		File 6B – Morris

6B

			NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> 6 th Account filed 5-5-14 is set for hearing on 6-30-14
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 5-19-14
			Updates:
			Recommendation:
			File 11 - Appleton

Pro Per Burrell, Danielle (Pro Per Petitioner, maternal aunt)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 10 years		TEMPORARY EXPIRES 5/22/2014		NEEDS/PROBLEMS/COMMENTS:	
		DANIELLE BURRELL, maternal aunt, is Petitioner.		1. Need proof of personal service of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice for <ul style="list-style-type: none"> Tachelle Burrell, if Court does not find due diligence based upon Petitioner's Declaration of Due Diligence filed 5/12/2014. 2. Need proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> paternal grandparents 	
		Father: UNKNOWN ; Court dispensed with further notice to the father per Minute Order dated 4/3/2014.			
Cont. from		Mother: TACHELLE BURRELL ; Declaration of Due Diligence filed 5/12/2014.			
	Aff.Sub.Wit.	Paternal grandfather: Unknown			
✓	Verified	Paternal grandmother: Unknown			
	Inventory	Maternal grandfather: George L. Burrell, Jr.; consents and waives notice.			
	PTC	Maternal grandmother: Darlene Moore Burrell; deceased.			
	Not.Cred.	Petitioner states the child has lived with her off and on since his birth due to the mother being incarcerated on several occasions, and the mother has now lost her apartment and is unable to properly care for the child, to keep up with his monthly doctor visits for medical issues, and to send him to school on a daily basis. Petitioner states the mother does not have a place of her own and stays various places with friends. Petitioner states the mother was picked up by the Fresno Police Department on 8/15/2013 for warrants, and the child was given back to Petitioner rather than sending him to CPS. Petitioner states she is stable and provides for his needs, takes him to his monthly doctor visits, and makes sure he goes to school.			
	Notice of Hrg	X			
	Aff.Mail	X			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
✓	Clearances				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice		Court Investigator Charlotte Bien's Report was filed on 5/5/2014.		
				Reviewed by: LEG	
				Reviewed on: 5/19/14	
				Updates:	
				Recommendation:	
				File 15 - Burrell	

Petition to Establish Fact, Date, and Place of Marriage

		<p>MARIO CHAVEZ and ARMINDA CHAVEZ, are Petitioners.</p> <p>Petitioners state that they were initially married on 01/02/87. That marriage was recorded with the Fresno County Clerk on 01/05/87. Subsequent to the marriage, Mario discovered that he was not divorced from his previous wife, Cecilia Misquez. Mario and Cecilia filed a Joint Petition for Summary Dissolution of Marriage and on 03/22/88, the Fresno Superior Court entered a Final Judgment of Dissolution of Marriage. Mario and Arminda renewed their wedding vows on 01/18/92. Petitioners were ignorant to the fact that the initial marriage on 01/02/87 was invalid until they discovered that their marriage was not valid in February 2014.</p> <p>Petitioners request the Court to acknowledge the facts, date and place of the marriage ceremony on 01/18/92 as the actual true record of the marriage of Arminda Chavez and Mario Chavez. The ceremony was officiated by Father Francis Tasy at St. Anthony of Padua Church in Reedley. The ceremony was witnessed by Marcos Perez and Sylvia Perez.</p>	<p>NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 05/08/14</u></p> <ol style="list-style-type: none"> 1. Petitioners do not state that they obtained a marriage license for the 01/18/92 ceremony. Family Code §§ 420 et seq., states that before solemnizing a marriage, the officiant shall require the presentation of the marriage license, and that upon solemnizing the marriage, the officiant shall return the endorsed marriage license to the county recorder within 10 days after the ceremony. 2. Need Order. <p>If a valid license was not obtained, need authority for Court order establishing fact of marriage.</p>
Cont. from 050814			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order <input checked="" type="checkbox"/>		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 05/19/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19A - Chavez</p>	

19A

Hearing Re: Waiver of Court Fees

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Confidential</u></p>
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: JF
		Reviewed on: 05/20/14
		Updates:
		Recommendation:
		File 19B - Chavez

19B

Hearing Re: Waiver of Court Fees

		NEEDS/PROBLEMS/COMMENTS: <u>Confidential</u>
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: JF
		Reviewed on: 05/20/14
		Updates:
		Recommendation:
		File 19C - Chavez

19C

		<p>IAN KINSEY, brother, was appointed Conservator of the Estate on 1/29/2013 with bond set at \$15,000.00.</p> <p>IAN KINSEY, brother, was appointed Conservator of the Person on 9/17/2013 (Letters of Conservatorship of the Person issued on 9/25/2013.)</p> <p>Proof of Bond in the sum of \$15,000.00 was filed 2/6/2013, and Letters of Conservatorship of the Estate issued on 2/28/2013.</p> <p>Final Inventory and Appraisal filed 5/2/2013 shows an estate consisting of all cash in the sum of \$250,000.00.</p> <p>Pursuant to Probate Code § 2620(a), first account was due on 2/28/2014.</p> <p>Minute Order dated 1/29/2013 from the hearing on the petition for appointment of Conservator of the Estate set the matter for Status Hearing on 3/21/2014 for filing of the first account of the conservatorship.</p>	<p>NEEDS/PROBLEMS/COMMENTS: Minute Order 4-21-14: No appearances. Personal appearance by Mr. Whelan and Mr. Flanigan required if blocked account receipt not filed. Minute Order 5-19-14: The Court is advised that there is no blocked account as the funds have not been received. Continued to 5-22-14 Examiner's Note: I&A filed on 5-2-13, over a year ago, reflects cash of \$250,000.00. Need clarification. Note: An amended petition in the Special Needs Trust matter 14CEPR00028 is Page 7 of this calendar.</p> <p>1. Proof of Bond of \$15,000.00 filed on 2/6/2013 is insufficient for this Conservatorship Estate, as required under Probate Code § § 2320 and CA Rule of Court 7.207. Probate Code § 2320.1 provides that when the Conservator has knowledge of facts from which the Conservator knows or should know that the bond posted is less than the amount required under section 2320, the Conservator and the Attorney shall make an ex parte application for an order increasing the bond to the amount required under section 2320.</p> <p>Accordingly, Probate Code § 2320 requires that the Conservator file proof of additional bond in the sum of \$260,000.00, in order to bring total bond to \$275,000.00, the bond amount sufficient pursuant to Probate Code § 2320 and CA Rule of Court 7.207.</p> <p>It is noted that the <i>Minute Order</i> dated 9/17/2013 from the <i>Status Hearing Re: Increase of Bond</i> that Mr. Flanigan informed the Court that Mr. [Ian] Kinsey will not be able to get a bond.</p> <p>However, the duty remains upon Attorney Philip Flanigan and/or Attorney Brian Whelan as well as the Conservator to either comply with Probate Code § 2320.1 for increase in bond, or to request an alternative protection such as placing Conservatee's funds into a blocked account.</p> <p>~Please see additional page~</p>
Cont. from 032114, 042114, 051914			
Aff.Sub.Wit.			
Verified			
✓ Inventory			
Increased Bond	X		
Accounting	X		
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.	X		
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			
Reviewed by: LEG/skc			
Reviewed on: 5-20-14			
Updates:			
Recommendation:			
File 10 – Kinsey			

NEEDS/PROBLEMS/COMMENTS, continued:

2. Pursuant to Probate Code § 2328, Conservator should be required to deposit the entirety of Conservatorship estate funds, or a portion of the funds taking into account the **\$15,000.00** posted bond, into a blocked account for the Conservatorship Estate, with no withdrawals except upon Court order. Probate Code § 2328 provides, in pertinent part, that if the Conservatorship Estate has property which has been deposited with a financial institution, the Court may order that the property shall not be withdrawn except on authorization of the Court, and may either (1) exclude the property deposited in determining the amount of required bond or reduce the amount of the bond to be required with respect to the property deposited to such an amount as the Court determines is reasonable; or (2) If a bond has already been furnished or fixed, reduce the amount of bond to such an amount as the Court determines is reasonable.
3. Attorney **PAUL PIMENTEL** formerly represented the Conservator Ian Kinsey for the petition for appointment of Conservator of the Estate. Mr. Pimentel no longer represents Ian Kinsey, per *Substitution of Attorney* filed 5/24/2013 by Attorney **BRIAN WHELAN**, showing that Mr. Whelan represents Ian Kinsey as Conservator of the Estate as of 5/22/2013.

Attorney **PHILIP FLANIGAN** represented Ian Kinsey for the petition for appointment of Conservator of the Person, and appears to remain as attorney for Ian Kinsey as Conservator of the Person, as well as in his petition for order establishing special needs trust (Page 10).

Need clarification of the current attorney representation of the Conservator as to the Person and the Estate, based upon the statement of Attorney Flanigan at the hearing on 9/17/2013 regarding Conservator's inability to obtain bond, which appears to show Attorney Flanigan as the attorney responsible for the Conservator of the Estate obtaining bond.

4. Need first account of the conservatorship estate, or a verified Status Report and proof of service of notice of this Status Hearing with a copy of the Status Report to all interested parties pursuant to Local Rule 7.5(B).
5. Need proof of service of notice of the Status Hearing with a copy of the verified Status Report to Attorney Paul Pimentel, pursuant to the *Request for Special Notice* filed 1/27/2014.

Note: It is unclear from the *Minute Order* of 9/17/2013 whether Attorney Flanigan was holding himself out as representing the Conservator Ian Kinsey for both his role as Conservator of the Person and the Estate, since the *Minute Order* shows Attorney Brian Whelan was also present at that hearing and made no statements regarding bond. If Attorney Whelan no longer represents Ian Kinsey as Conservator of the Estate, then Mr. Whelan should file a *Substitution of Attorney* demonstrating that to the Court.